

**TOWN OF DAVIE
REGULAR MEETING
FEBRUARY 20, 2008**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Caletka, and Councilmembers Crowley, Luis and Starkey. Also present were Assistant Town Administrator Cohen, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1 Seminole/Brazilian Rodeo Award

Later in the meeting, Judy Paul presented a plaque to Councilmember Crowley thanking him for his support of the rodeo. She presented Special Projects Director Bonnie Stafiej with a plaque, noting that she had been helping the organization for 10 years.

3.2 Lower East Coast Water Supply

Earlier in the meeting, Elbert Waters, South Florida Water Management District, presented a comprehensive overview of the South Florida Water Management District. He announced that the State of Florida used approximately six billion gallons of water per day and by 2025, it was anticipated that this amount would increase to eight billion gallons. Usage on the lower east coast alone would increase one billion gallons by 2025.

Mr. Waters explained that new laws insured that roads, schools and water would be adequate to each community's needs. They intended to increase focus on alternative water supply, improving communication between utilities and planning departments, and strengthening the link between water supply plans and land use.

Mr. Waters stated that local government requirements included: preparing a 10-year water supply facilities work plan and funding plan, which would be incorporated into the municipalities' comprehensive plans; identifying alternative water supply projects; conservation and re-use programs; notifying the Water Management District, as of June 2008, of projects that would be implemented; and adopting a 10-year water supply facilities plan and related comprehensive plan amendments by August 2008; reporting project standards annually, as of November 2008. He indicated that the Water Management District requirements included: updating water supply plans; reviewing and commenting on local government comprehensive plans and water resources issues; and providing technical and funding assistance to local jurisdictions

3.3 Brown and Brown Insurance - Vice-Mayor Caletka

Brian Cottrell, representing Brown and Brown Insurance, described the 50% savings the Town had realized last year on property coverage and described efforts his company was making to improve the claims processing procedure. He believed the Town's casualty and workers compensation renewal would be under budget this year.

Mayor Truex announced that item 4.2 needed to be tabled.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table item 4.2 to their next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

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Mayor Truex announced that item 4.15 needed to be added to the Consent Agenda.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to add item 4.15. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex recommended addressing items 6.5 and 8.1 immediately after the Consent Agenda. A request was also made to move up item 6.6 and he proposed this be addressed after the mobile home items.

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1 January 2, 2008 (Regular Meeting) (tabled from February 6, 2008)

4.2 January 16, 2008 (Regular Meeting)

Business Tax License

4.3 K Corporation of South Florida, 15200 SW 20 Street

Proclamation

4.4 Relay for Life Days (March 15-16, 2008)

Resolutions

4.5 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-36 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE
TO PROVIDE A SCHOOL RESOURCE OFFICER PROGRAM FOR WESTERN
HIGH SCHOOL, INDIAN RIDGE MIDDLE SCHOOL AND SEVEN
ELEMENTARY SCHOOLS IN THE TOWN OF DAVIE. (Town to be reimbursed
\$60,000/year for five officers)

4.6 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-37 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT
WITH GOVERNMENT SERVICES GROUP, INC. "GSG" FOR IN THE ANNUAL
MAINTENANCE OF THE FIRE RESCUE ASSESSMENT PROGRAM FOR
FISCAL YEAR 2008-09. (\$22,000 plus related administrative costs)

4.7 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-38 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE
TOWN OF DAVIE, THE CHILD ABDUCTION RESPONSE TEAM AND FLORIDA
DEPARTMENT OF LAW ENFORCEMENT.

4.8 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2008-39 AUTHORIZING THE MAYOR TO EXECUTE A RENTAL CONTRACT WITH FIT
FIRST, INC. FOR THE OPERATION OF EXERCISE/FITNESS PROGRAM.
(\$1,450/month revenue to the Town)

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- 4.9
R-2008-40 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AWARDING THE BID TO WARREN & ASSOCIATES FOR VERBATIM TRANSCRIPTION SERVICES FOR THE TOWN OF DAVIE POLICE DEPARTMENT. (\$45,000/year)
- 4.10
R-2008-41 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUNDS ACCOUNT IN THE AMOUNT OF \$1000.00 FOR A DONATION TO THE BROWARD COUNTY CRIME STOPPERS.
- 4.11
R-2008-42 **SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE SCHOOL BOARD OF BROWARD COUNTY'S "HYBRID" BOUNDARY SCENARIO, AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.12
R-2008-43 **RECOMMENDATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RECOMMENDING CHANGES ON THE PROPOSED IMPROVEMENTS TO THE I-595 CORRIDOR.
- 4.13 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "BERMAN STIRLING PLAT"; PROVIDING FOR THE MAYORS SIGNATURE; AND PROVIDING FOR AN EFFECTIVE DATE. (DG 12-1-07, Berman Stirling Plat, generally located on the northeast corner of Stirling Road and SW 58 Avenue)

Temporary Use Permit

- 4.14 TU 12-1-07, Costco Wholesale, 1890 University Drive (construction trailer)

Item to be added

- 4.15 Old Davie School Days (March 8-9, 2008)

Councilmember Starkey pulled items 4.4, 4.11 and 4.12 from the Consent Agenda. Mayor Truex pulled item 4.15. Councilmember Crowley pulled item 4.13.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the consent agenda, less items 4.4, 4.11, 4.12, 4.13 and 4.15. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.4 Councilmember Starkey said that she had modified the original proclamation to emphasize the importance of the proclamation and the event.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey read the proclamation which Mayor Truex presented to Shelly Beck from the American Cancer Society. Ms. Beck thanked the Town for sponsoring this event.

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4.11 Councilmember Starkey wanted to insure that all of Council's issues were being addressed regarding this issue and wanted residents to be aware that the Town would not allow any boundary changes within Davie.

Councilmember Starkey stated the Town endorsed the School Board scenario 4.3, which would add 600 students to Western High School. She said that the School Board had approved a different scenario at a workshop, and this scenario would present a "big problem" to Davie. Councilmember Starkey wanted the School Board to be responsible to improve 14th Street and 136th Street, and to put a 36-room addition on Western High School. If these requirements were included, Councilmember Starkey would support the resolution.

Councilmember Crowley agreed and said that he could not support a map that did not include Nova High School. Councilmember Luis agreed that scenario 4.3 had the least impact on Davie residents, and he wholeheartedly supported the resolution.

Mayor Truex felt Council did not have the benefit of all the data that the School Board had, and therefore should not tell the School Board where the boundaries should be.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve School Board scenario map 4.3, and making improvements to 136th Street and 14th Street by Western High School and adding the 36-room addition to accommodate the future needs of the student population. In a voice vote, with Mayor Truex and Vice-Mayor Caletka dissenting, all voted in favor. (Motion carried 3-2)

Councilmember Starkey wanted the old resolution regarding Nova High School sent to the School Board along with this resolution. Councilmember Crowley recommended they revise and update the older resolution prior to sending it.

4.12 Councilmember Starkey stated that Fire Chief Joe Montopoli's recommendations had been included in the resolution, but she wanted to add five items. Mayor Truex wished to pass the item as it was, and agreed they could discuss these additional items later in the evening. Councilmember Crowley was concerned that not all Town departments had been given the opportunity to review and comment on this. Mr. Shimun believed this had been circulated among the departments and he was not aware of any comments.

Council agreed to defer this item to later in the meeting.

Later in the meeting, Councilmember Starkey stated that she wanted to reserve the Town's rights to: allow for any changes in the I-595 corridor; address other issues of concern; comment further regarding the health, safety and welfare of the citizens. She submitted a document listing four additional bullet points she asked to include in the resolution.

Councilmember Starkey made a motion, seconded by Councilmember Luis to approve including the items she had stated and submitted in writing. In a voice vote, all voted in favor. (Motion carried 5-0)

4.13 Councilmember Crowley was concerned about adding retail establishments to 58th Avenue. Mayor Truex suggested tabling this item to the next meeting and inviting the applicant to address their concerns.

Vice-Mayor Caletka believed the request was to build a Navarro's Pharmacy, but he did not know the specifics. He noted the applicant must first go through Broward County and then present a site plan. Councilmember Starkey objected to granting additional square footage without seeing something in writing and wished to table the item.

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Councilmember Crowley made a motion, seconded by Councilmember Starkey, to deny. Vice-Mayor Caletka felt denying this was hasty and the applicant should be given the opportunity to present a site plan. In a voice vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Caletka - no; Councilmember Crowley - yes; Councilmember Luis - no; Councilmember Starkey - yes. (Motion failed 2-3)

Councilmember Starkey made a motion, seconded by Councilmember Luis, to table to the next meeting [March 5, 2008]. In a voice vote, with Councilmember Crowley dissenting, all voted in favor. (Motion carried 4-1)

4.15 Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex read the proclamation and expressed his appreciation to the School.

Patty Cook announced that on March 8th and 9th there would be a rededication of the School with many other events and activities.

6. PUBLIC HEARING

Resolution

6.1 **TOWING SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2008-44 **SELECTING THE FIRM OF A & B TOWING, INC. TO PROVIDE VEHICLE**
TOWING SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR
HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
(\$230,000/year)

Later in the meeting, Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Vice-Mayor Caletka asked when the current company started providing towing services for the Town. Procurement Manager Herb Hyman indicated it was approximately 3 ½ years ago. Vice-Mayor Caletka related a personal experience he had with an A & B Towing Company employee who informed him his car could not be towed to a Ford dealership without prior permission. The employee tried to force him to have his car towed to a body shop not of his choosing, indicating the shop would adjust his bill to cover the insurance deductible. Because of this experience, Vice-Mayor Caletka said he would vote for the second-ranked company.

Councilmember Starkey felt the number one and number two-rated choices were very similar except for the franchise fee. She was concerned about emergency equipment for response to highway emergencies. Mr. Hyman explained that all four contractors had met the equipment requirements in the bid. He confirmed that there was only .9 mile difference in the top two companies' primary location proximity from the Town's boundary. Mr. Hyman reported that complaint calls were referred to the Police Department and he could only state that the contractor had some "minor issues."

Sergeant Greg Gasse agreed there had been complaints and indicated that when he brought complaints to A & B, the company generally resolved them in favor of the customer. No issues had resulted in an impasse.

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Councilmember Luis asked Mr. Hyman's opinion of the applicants. Mr. Hyman responded that overall, he favored Ace Superior Towing. They had the nicest facility, with a well-organized, computerized office but had the lowest franchise fee.

Mayor Truex favored retaining A & B Towing because the Town was happy with this company. He also stated his faith in the Bid Committee process and recommendations.

Councilmember Crowley acknowledged that the first and second-ranked firms were very close, and said he sought the opinions of the Bid Committee member(s) with the most experience in the field. Based on this, he favored the second-ranked company.

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to approve the number two ranked firm - Westway.

At the request of a representative of one of the bidders, Mayor Truex asked Council if they objected to re-opening the public hearing to allow all of the bidders to comment. The majority of Council objected and public comment was not reopened.

Councilmember Starkey asked Mr. Hyman's opinion on the second-ranked firm's qualification. Mr. Hyman explained that the bid was structured with exact specifications, so either the applicant met the specifications or did not. Aside from that, it came down to the franchise fee. The bid documents had been sent out this way, but part way through the process Mr. Hyman had been instructed to change to an RFP process, which was more subjective. This resulted in a question of whether the original "absolutes" in the bid were still absolute requirements, or just guidelines. The questions in this case referred to Westway's main yard being located one-tenth of a mile farther away than stipulated in the bid and the lack of documentation relating to a performance bond required in the bid.

Mr. Hyman clarified that he had sent out the original bids and Administration later asked him to change the bid to an RFP document. Bidders were sent an addendum notifying them of this change. Mr. Hyman stated that A & B Towing had complied with everything.

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-1)

Ordinances - Second and Final Reading

6.2 **CAPITAL PROJECTS AMENDMENT - AN ORDINANCE OF THE TOWN OF**
2008-6 **DAVIE, FLORIDA, AMENDING THE CAPITAL PROJECTS PROGRAM FOR THE**
 TOWN OF DAVIE FOR FISCAL YEARS 2007 - 2011. (tabled from January 16,
 2008) {Approved on First Reading January 2, 2008. All voted in favor with
 Councilmember Starkey being absent}

Later in the meeting, Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

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- 6.3
2008-7 **TEXT AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR ADOPTION TO THE DEPARTMENT OF COMMUNITY AFFAIRS, REVISED APPLICATION LA(TXT) 4-3-07, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY UPDATING THE CAPITAL IMPROVEMENTS ELEMENT WITH THE REVISED ADOPTED 5-YEAR CAPITAL PROJECTS PROGRAM FOR FY 2007-2011 PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FILING WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from January 16, 2008) {Approved on First Reading January 2, 2008. All voted in favor with Councilmember Starkey being absent}**

Later in the meeting, Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.4
2008-8 **BUDGET REVISION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR FISCAL YEAR 2008. (tabled from February 6, 2008) {Approved on First Reading January 16, 2008. The vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - no; Councilmember Luis - yes; Councilmember Starkey - yes}**

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Joe Cosner felt the Town should keep the attorneys to continue fighting the airport. He remarked on the effect airport noise had on people and animals, and how the effects of airport expansion would continue for generations.

Mayor Truex closed the public hearing portion of the meeting.

Councilmember Starkey was disappointed this possibly might be cut and was concerned that Councilmember Crowley and Vice-Mayor Caletka would vote to cut the funding. Councilmember Starkey believed it was “fiscally irresponsible of the Town Administrator or the Town Councilmembers to stop this effort at this time.” She thought Vice-Mayor Caletka might not be aware of the fight the Town and Vice-Mayor Caletka’s constituents had gone through on this issue. Councilmember Starkey believed that Vice-Mayor Caletka vote to cut the funding was “nothing more than a backroom deal for your next campaign in a hope to obtain support for those who continue to support and profit from this boondoggle of a project at our residents’ expense.”

Councilmember Starkey was outraged that Administration had failed to maintain staff liaison support at the Airport Advisory Board. She wanted Council to direct funding to continue and to direct Administration to provide personnel and support.

Mayor Truex acknowledged that the Town had not been consistently successful fighting this with the Broward County Commission and noted that lawyers could sometimes prevail where politics could not. He said this was a “big issue that’s going to impact people’s lives” and Council must

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consider the possible future impact. Mayor Truex said that Council had made a commitment to residents and he would be disturbed if they “cut and run and we just abandon the residents at this point.”

Councilmember Luis did not have a lot of faith in the County Commission, but admitted that with the coming budget crunch, there must be a limit to the Town’s support.

Councilmember Crowley said that he intended to support this, but might oppose task orders in the future. Vice-Mayor Caletka said he had listened to the Pine Island Ridge Community which made up 80% of his district and they did not want to continue to support this issue; however, he objected if there was to be an increase.

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to approve item 6.4.

Mr. Cohen clarified that this amendment did not change any of the expenditures. This was a request to allocate additional funds that were not available in the budget right now for outside legal services [not specific to the airport issue].

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6.5 **EXTENDING MORATORIUM - AN ORDINANCE OF THE TOWN OF DAVIE,**
2008-9 **FLORIDA, FURTHER DEFINING THE LEGISLATIVE INTENT OF ORDINANCE**
 NO. 2007-4 AND EXTENDING THE MORATORIUM FOR 90 DAYS FROM
 FEBRUARY 21, 2008, PROVIDING FOR SEVERABILITY; AND PROVIDING
 FOR AN EFFECTIVE DATE. {Approved on First Reading February 6, 2008. All
 voted in favor.}

Earlier in the meeting, Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Myrna Gallo supported the moratorium extension and suggested including the preservation of mobile home parks as affordable housing in the future land use plan.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

6.6 **EXISTING NONCONFORMING VEHICULAR ACCESSWAY - AN**
2008-10 **ORDINANCE OF THE TOWN OF DAVIE, FLORIDA PERTAINING TO THE**
 SUBJECT OF WHETHER TO ALLOW THE CONTINUATION OF AN EXISTING
 NONCONFORMING VEHICULAR ACCESSWAY IN ACCORDANCE WITH THE
 PROCEDURES AND REQUIREMENTS CONTAINED IN SECTION 12-292(D),
 TOWN OF DAVIE CODE OF ORDINANCES; DESCRIBING THE LAND
 AFFECTED AS ALL OF TRACTS 55 AND 56, IN SECTION 11, TOWNSHIP 50
 SOUTH, RANGE 40 EAST, ACCORDING TO THE FLORIDA FRUITLANDS
 COMPANY SUBDIVISION NO. 1, RECORDED IN PLAT BOOK 2, PAGE 17, OF
 THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS
 LYING AND SITUATED IN THE TOWN OF DAVIE, BROWARD COUNTY,
 FLORIDA; THE EXISTING NONCONFORMING VEHICULAR ACCESSWAY
 BEING GENERALLY DESCRIBED AS THE 12400 THROUGH 12700 BLOCK OF
 SW 13TH STREET IN DAVIE, BROWARD COUNTY, FLORIDA; CONSIDERING

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THE APPROVAL IN CONNECTION THEREWITH OF A NON-EXCLUSIVE EASEMENT TO THE TOWN OF DAVIE FOR GOVERNMENTAL SERVICES AND A NON-EXCLUSIVE INGRESS/EGRESS LICENSE AND COVENANT TO CONVEY TO TOWN OF DAVIE; MAKING OTHER APPROPRIATE CONDITIONS IN CONNECTION WITH CONSIDERATION OF THIS MATTER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFORE. (tabled from January 16, 2008)

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on this item would be held at the March 5, 2008 meeting.

Acting Development Services Director Marcie Nolan advised that a meeting had occurred and outlined the conditions and agreement, which were included in the agenda report. She stated that the most important thing was that designating the roadway as non-conforming would only allow the petitioner to work on this road in the detail staff presented at the previous meeting, which would be very expensive. In order to bypass the ordinance process for the roadway, Mr. Rayson had created a variance procedure that would allow the roadway to be called a driveway. The driveway could service more houses and lots than the current Code allowed. In addition, the applicant had agreed to clear the roadway to the Fire Chief's specifications, and to provide the T-turnaround. The issues regarding the culvert and standpipe would be brought back to Council.

Mr. Rayson said that Mr. Allan, Mr. Swanson, and Dr. Ciaccone had agreed to donate land, and the homeowners had cooperated and agreed to maintain the driveway in perpetuity. Mr. Rayson stated it had not yet been resolved who would pay for the improvements. All of the other issues had been agreed upon by the Engineering Department, the Fire Department, Administration and the residents.

Vice-Mayor Caletka noted that this was actually the second reading of this item. Ms. Nolan explained that Council had already adopted an ordinance creating a non-conforming driveway section of the Land Development Code, but Mr. Rodriguez could not meet the requirements of this ordinance, so Mr. Rodriguez would go through the variance process. This meant Council should not approve this ordinance on second reading, because the conditions were those brought forward by staff at the last hearing with the very high costs. Staff had brought this forward tonight as a discussion item and recommended the ordinance not be passed this evening.

Mayor Truex opened the public hearing portion of the meeting.

Don Lunny, representing Mr. Rodriguez, wanted assurance that the Town would pay the costs to make the road fire-safe and to improve the bridge. Failing that, he warned that the owner would build the alternative access, withdraw the variance application and the issue would not be resolved.

Mr. Rayson explained that approving the ordinance on second reading with no conditions would allow Mr. Rodriguez to get a certificate of occupancy, and the neighbors would not be required to pay for improvements. Mr. Rayson said this would leave the neighbors with an unimproved roadway. Vice-Mayor Caletka asked if the Town would be required to make the improvements if Council approved the ordinance without conditions. Mr. Rayson replied that, "The Town could ignore the problem."

Ian Swanson said he and another neighbor would donate land, provided no neighbors on the road were assessed.

Ken Allen did not object to giving up some land, but did not understand why wells were needed. He also did not want to be assessed, since he was donating land.

Susie Sarna did not want residents on 14th Street to be assessed either. If the bridge needed replacing, she felt the Town should pay for this.

Ms. Nolan said they had not yet determined who actually owned the bridge. They had requested the records from the Florida Department of transportation.

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Anthony Nitti said residents of 13th Street had been maintaining the road for 20 years and he acknowledged they would have to continue doing so. He asked that they not be assessed for any improvements.

Steve Rodriguez said he and his neighbors wanted a solution. He said if the Town did not agree to pay for the improvements, he would build the other driveway. Mr. Rodriguez did not feel his neighbors should be burdened with this. He agreed to keep the overgrowth cut back and advised that he and his neighbors wanted the Town to install the standpipes, the culvert and the T-turnaround.

Mayor Truex closed the public hearing portion of the meeting.

Councilmember Crowley felt the Town should cover the costs of the culvert and fire wells.

Vice-Mayor Caletka wanted to approve the ordinance with no conditions. He felt this would be the most economical solution for the neighbors and the Town. If Council could not agree to this, he favored allowing Mr. Rodriguez to build the driveway to the west.

Ms. Nolan advised that the cost for the public improvements was \$118,000 and the cost for the improvements to the private portion of the road was \$134,000. She stated that the variance would only require the neighbors to clear the brush, not to be assessed for the private improvements. Mr. Rayson pointed out that the neighbors had recently spent \$25,000 stabilizing the roadway, and the \$134,000 included \$50,000 for this purpose, so that expense would be removed. Ms. Nolan explained that the private improvements recommended in the \$134,000 were just to correct the deficiencies on the road from a public safety standpoint, not to bring it up to Town standard for a legal public road.

Mr. Lunny confirmed that the Town would have an easement accessible for services and the Town could spend money on improvements if it wished. He believed the Town could pass the item with the conditions Mr. Rayson had discussed with Mr. Rodriguez and if the Town was willing to make the improvements, his client would be saved from making the variance application.

Mayor Truex felt the Town could pay the \$118,000 for the public infrastructure improvements, and the \$134,000 for the private improvements could be spread out over 30 years as a special assessment among the neighbors. Mr. Rayson said this could be done, but the neighbors did not want it. He said the neighbors had agreed to keep a maintenance agreement for the private portion of the road, which would accomplish the same purpose. The \$134,000 included many expenses the neighbors felt were superfluous.

Councilmember Luis pointed out there were several areas like this in Town and wondered where this would stop if Council approved spending the money here. Mr. Cohen believed the bridge was really the issue and there were not many places just like this in Town.

Councilmember Crowley asked Mr. Lunny's opinion of Council's approving the ordinance with no conditions as suggested by Vice-Mayor Caletka. Provided there was no requirement for the improvements and an assessment, Mr. Lunny said his client would agree to this.

Chief Montopoli advised of the Fire Code's requirements for fire trucks to pass. Since the new construction invoked the Fire Code, the Fire Code must be upheld and he could not advocate violating the law. Chief Montopoli stated that the problem must be addressed because "at some point, I have to sign a document that says this road is safe, and when somebody gets killed, whether that be a resident or a firefighter, we're all going to be in court based on that decision."

Councilmember Crowley believed Mr. Rodriguez had been unaware that his construction would trigger this before he pulled his permit and was not informed of the problem until the house was "almost built." Ms. Nolan advised that the original Engineering comments had mentioned the road access issue in the beginning.

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Mr. Rodriguez reminded Council that they were solving the problem for all of the neighbors, not just himself. Engineering had offered him the option of the other driveway to 14th Street as a solution. Councilmember Starkey indicated that Mr. Rodriguez had threatened to not allow access. Mr. Rodriguez stated this was not true. The Fire Chief's comments indicated there was a life safety issue with the roadway and Mr. Rodriguez felt the Town should close the road because it was unsafe.

Mr. Rayson shared Chief Montopoli's concern about potential liability. He had recommended the variance process because a variance would not set a legal precedent.

Vice-Mayor Caletka remembered Chief Montopoli's promise at the previous meeting to provide safety service if one of the homes was on fire. Vice-Mayor Caletka believed firefighters would find an alternative route in order to provide the service.

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to approve 6.6 with no conditions.

Councilmember Luis asked Mr. Shimun's opinion. Mr. Shimun disagreed with the neighbors and recommended passing Vice-Mayor Caletka's motion. If the neighbors wanted to address the problem in the future, it was up to them.

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-1)

7. APPOINTMENTS

7.1 Mayor Truex

7.1.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

7.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.2 Councilmember Crowley

7.2.1 Budget Advisory Board (one exclusive appointment - term expires April 2008) (members shall have experience in financial related occupation or similar skills)

Councilmember Crowley appointed George Rudd.

7.2.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

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- 7.2.3 Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

7.3 Councilmember Luis

- 7.3.1 Airport/Transportation Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made.

- 7.3.2 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

Councilmember Luis appointed Judy Paul.

7.4 Councilmember Starkey

- 7.4.1 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

Councilmember Starkey appointed Adrian Kalpman to the Airport Advisory Board.

- 7.4.2 Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

- 7.5 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager - both members shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

No appointments were made

7.6 Fire Pension Board (John Earle as elected by the Fire Pension Board)

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8. OLD BUSINESS

8.1 Mobile Home Task Force Suggestions - John Rayson

Earlier in the meeting, Councilmember Crowley wanted to schedule discussion of relocation assistance for their next meeting; Vice-Mayor Caletka agreed.

Mr. Rayson listed the critical tools recommended by the Mobile Home Task Force: affordable housing trust fund; inclusionary zoning with a 20% affordable residential component; mandatory exit/relocation plans; and bonus densities for affordable housing projects. Supplementary tools

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included: municipal bonding for affordable housing; identifying town home sites for development of affordable housing; employer-assisted housing programs; use of CRA TIF funds for affordable housing within the CRA; partnering with community land trusts, payment of impact fees; potential County linkage fees.

Mr. Rayson drew Council's attention to a draft of an ordinance that contained all the items, broken into four separate ordinances. He had corrected a scrivener's error and had determined that the trust fund contribution factor to opt out of the inclusionary zoning [\$2.67 per square foot up to 1,600 square feet] was inadequate and a more realistic number must be determined.

Mr. Rayson believed the affordable housing trust fund and the inclusionary zoning could form the basis of an affordable housing ordinance. The mandatory exit/relocation plan was a mobile home issue and he felt there were "serious statutory restrictions that we bump into with respect to 723 that aren't necessarily, in my legal opinion, pertinent to the affordable housing components." Mr. Rayson felt the exit/relocation plan was "least ready to go," but reminded Council that the moratorium extension would allow time to finalize it.

Councilmember Crowley wanted to know how high they could make the opt-out contribution in order to discourage opting out. Mr. Rayson advised that the amount must be related to the actual cost of construction. He stated that another way to increase the contribution was to put no cap on the total square footage for which a contribution was required. Councilmember Crowley favored this option.

Jamie Ross, President of the Florida Housing Coalition, indicated that she considered this issue not from the perspective of Statute 723, but from that of Statute 162, which forbade a local government from taking any action that would make any of its citizens homeless. She commended the Town for recognizing and addressing this issue and offered her services to help craft a comprehensive package. Ms. Ross believed this would create a great model for the State and advised that Representative Matt Hudson had initiated a working group in Tallahassee to work on legislation for their next session.

Mayor Truex asked Ms. Ross if there had been any court cases regarding Statute 162. Ms. Ross said she was aware of none, but noted that there had been a change in the State Land Planning Agency's position. Under the previous Department of Community Affairs Secretary, mobile home parks were closed with the blessing of the Department. This would not occur under the current Department of Community Affairs Secretary.

Mayor Truex opened the public hearing portion of the meeting.

Janet Riley advised that the Task Force members were concerned because they were no longer "in the loop" regarding the actual drafting of the ordinance. She was afraid that the items not addressed immediately would be lost. Ms. Riley felt one hour per week was insufficient and they must work to address all the recommendations the Task Force had created.

Ms. Riley agreed with Ms. Ross that no mobile home parks should be closed until affordable housing existed to which the residents could move. She stated that the exit plan as currently drafted was insufficient because there was no requirement for a resident to get any real assistance when a park closed. One item indicated the park owner must state the actions that would be taken to refer residents to alternative public or private subsidized housing sources. Ms. Riley said this would not work because there was no housing to which the residents could be referred. She had seen this in other municipalities in Broward and referred to a group that was hired specifically to empty mobile home parks by putting pressure on residents to leave and promising to help them relocate. This relocation assistance amounted to providing a list of available places in the County, regardless of whether the resident could afford it or whether it was located in the jurisdiction. Ms. Riley stated the way the ordinance was currently drafted, this referral could be enough to satisfy the requirement. She urged Council to allow the working group to be brought in on this.

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Myrna Gallo described her experience with relocation and indicated that the alternatives offered to her had been unaffordable and/or unsuitable.

Deborah Gaskin asked if the affordable housing would be built on her property. Mayor Truex explained the plan was Town-wide.

Laurie Ross pointed out that most mobile homes in the Palma Nova Mobile Park could not be physically relocated. She wondered if affordable housing could accommodate a larger family.

Scott Cristle, Vice Chair of the Mobile Home Task Force, stated that March was the deadline for residents to vacate the Dell Mobile Home Park, which was the only park that had blatantly flouted the moratorium. He said the park was facing demolition very soon.

Paul Figg, representing Austin Forman, stated that if the Town prevented a park from closing, this was a “per se taking” of someone’s property, “and you will pay the bill for that.” He said this was “not any kind of regulation this Town wants.” Mr. Figg said that affordable housing was a problem the community at large must pay for, not individual property owners. He felt that tying the mobile home issue to the affordable housing issue was problematic and the issues were “entirely separate.” Mr. Figg wanted Council to understand the preemption provision of Statute 723.004(2). He said the burden of paying “rental gap assistance” could not be required of mobile park owners and the Town did not have the authority to do this.

Mayor Truex felt Council had been consistent in its agreement that affordable housing was “everyone’s problem.” Mayor Truex acknowledged that mobile park owners must be part of the solution, which was why park owners were included on the Task Force.

Brandon Biederman, Government Affairs Director for the Builders Association of South Florida and Task Force member, stated that the Task Force had voted on 34 recommendations, 90% of which had been unanimous. The topic of inclusionary zoning had been heavily debated and was supported by 6 of 11 members. Mr. Biederman was not convinced inclusionary zoning would solve the mobile home crisis. He acknowledged there was a community-wide problem that required a comprehensive approach to address. Mr. Biederman believed that if 20% of new units must be set aside for affordable housing, builders would be forced to mark up the other 80%.

Ms. Ross clarified that mobile home park owners were not prohibited from closing their mobile home park businesses. When she spoke earlier, she was referring to the fact that local governments were prohibited from changing the land use. The park owners had the right to use property for the purpose it was currently zoned only. This was where the inclusionary zoning came in. When land use was changed, Ms. Ross stated that “you’re adding tremendous value to that property... the public benefit that you get in exchange for that land use is the affordable housing.”

Housing & Community Development Director Shirley Taylor-Prakelt reminded everyone of steps they had taken so far and noted that the five items they had not yet discussed were valid as well. She wanted to be sure that all 32 items were discussed in the report before adopting an ordinance.

Ms. Taylor-Prakelt stated they had begun this process with two agendas. Davie had declared an affordable housing crisis, noting there was no comparable housing available if a mobile home park closed. Ms. Taylor-Prakelt said if a mobile home park were to close, the Town would not be in compliance with Statute 163. She said the Task Force had determined that if an owner wanted to rezone his property to redevelop to a higher use, the owner would pay for that privilege, which did not constitute a taking, as Mr. Figg had represented.

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Councilmember Starkey asked if Council had ever formally adopted the Task Force recommendations. Ms. Taylor-Prakelt replied that the Task Force had presented its recommendations and understood that the ordinance would be drafted based on the Town Attorney's opinion of which were legally enforceable and constitutionally valid and based upon Council's priorities.

Councilmember Starkey made a motion, seconded by Mayor Truex, to acknowledge and accept the Task Force findings and efforts, and to reserve the right to pass, or not, the recommended items. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey recognized that the mobile home parks constituted an affordable housing component for the Town. Ms. Taylor-Prakelt agreed and stated if some of the mobile home housing units were lost, they could not prove to the State that the Town had adequate replacement housing, which would violate Statute 163. Councilmember Crowley and Mayor Truex wanted to stop using verbiage that made it appear they were discussing preventing a park owner from closing a mobile home park business and to be more clear in indicating they were discussing rezoning of mobile home park property for another use.

Ms. Taylor-Prakelt thanked Mr. Rayson for including language in the moratorium extension that tackled the "fuzzy areas" whereby owners were closing parks "under the pretense of growing grass, and then coming back before this Town Council in a year with a vacant piece of property and saying, 'We didn't displace anybody, and we have nobody to relocate.'"

Frank Serra, Mobile Home Task Force Chair, wanted Council to move forward on the Task Force recommendations as soon as possible.

Mayor Truex closed the public hearing portion of the meeting.

Councilmember Starkey wanted to be very cautious in the way the ordinance was crafted to ensure it was balanced. She discussed the Atlanta Housing Authority's comprehensive plan which included rental gap housing.

Ms. Taylor-Prakelt felt the biggest difference of opinion concerned the exit/relocation plan, and suggested moving forward with the Affordable Housing Trust Fund, with the revenue coming from inclusionary zoning at 20% with a realistic figure for construction costs, and a maximum unit size not to exceed 1,400 square feet. Councilmember Starkey suggested a workshop with Ms. Ross. Mr. Cohen recommended bringing the affordable housing component to Council at the next meeting in a format that was ready to be passed. They could discuss and vote on this while continuing to discuss the relocation issue. Ms. Taylor-Prakelt agreed.

Mayor Truex wanted to restrict the density bonuses to the Regional Activity Center and the Traffic Oriented Corridor (TOC). Council could amend the ordinance later on, if desired. Councilmember Starkey wanted to include all transit corridors, such as State Road 84. Ms. Taylor-Prakelt wanted to include the area south of Stirling Road and north and west of the Davie Road Extension. Mayor Truex said they could consider these issues individually. Mr. Rayson said bonus densities were an important component of offering a landowner a benefit in return for a burden. He feared if they limited the bonus densities to select areas they may run into problems. Ms. Taylor-Prakelt explained that the Town already had an affordable housing incentive plan that relieved the developer of all fees for affordable housing units, and expedited the permit approval process. She agreed that the densities must be part of the solution and should not be limited to the TOC.

Councilmember Luis feared that taking away bonus density would kill potential development. He felt they would have the ability to deny later on. Councilmember Starkey did not want the ordinance to conflict with existing incentives. Mr. Cohen reported that there were already restrictions built into the ordinance regarding bonus density.

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Mayor Truex recommended including a cost of living adjustment in the costs of inclusionary zoning. He wanted to ensure that the Town would not be obligated to provide anything for which the trust fund money could be used.

Mayor Truex asked about the mobile home relocation coordinator designation. Mr. Rayson said they were still working on that language, but assured Mayor Truex that no professional experience would be required of the liaison.

Councilmember Crowley believed that this ordinance should not refer to the Housing and Community Development Department Director, but to the Town Administrator or his designee. He thought the creation of new responsibilities within Housing and Community Development was a budget item and should not be included in the ordinance. Since Council might not adopt all of the Task Force recommendations, Councilmember Crowley wanted to change the language on the first page referring to the Task Force recommendations to "Whereas, there is a critical need for the Town of Davie to implement affordable housing strategies."

On page three under "Definitions" item 14, Councilmember Crowley wanted the language referring to a first-time home buyer to refer to a "household in which no person had ownership of a residence" and remove the reference to "the past three years." Ms. Taylor-Prakelt said that the Federal and State government required the three-year period, and they had followed it for consistency.

Vice-Mayor Caletka asked if an apartment complex converting to condos would be exempt for the affordable units in the conversion. Ms. Taylor-Prakelt responded in the negative and related that Davie had lost 1,120 units to condo conversions and those renters had lost their housing. Mr. Rayson confirmed that the language currently read that condo conversions were included.

Mr. Cohen recommended one ordinance be created for all of the affordable housing components and another for the exit/relocation plan. He said an affordable housing ordinance would be presented to Council at their next meeting and they would further discuss the exit/relocation ordinance.

Mr. Rayson asked Council's approval to make technical corrections to the ordinance. He asked that Mr. Cohen and Ms. Nolan be included in the working group. No objections were noticed.

Mr. Figg suggested the work group look at "hard numbers" regarding what a builder gained through the incentives, which would allow Mr. Rayson to answer questions about incentives versus added density. Ms. Taylor-Prakelt said this information could be provided.

Mr. Serra wanted to include the creation of the Town-wide homeowner association and offered to work with Mr. Rayson to create a separate ordinance for this. Mayor Truex advised that this matter was currently being addressed. He confirmed that everyone was "sufficiently clear what we're doing."

9. NEW BUSINESS

9.1 Sunsetting of Certain Boards - Mayor Truex

9.2 Broward Days 2008 - Councilmember Starkey

Councilmember Starkey made a motion, seconded by Mayor Truex, to table items 9.1 and 9.2 to their next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

10. SCHEDULE OF NEXT MEETING

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11. MAYOR/COUNCILMEMBER'S COMMENTS

VICE-MAYOR CALETKA

TOWNWIDE FUND. Vice-Mayor Caletka was interested in setting up a townwide fund created by a 503(C) Board. Councilmember Starkey said she had spoken with Ms. Hubert, who informed her she had already formed a 501(C)(3) called "Davie Humanitarian Fund." Councilmember Starkey felt Council could add to Ms. Hubert's fund raising efforts instead of creating another board. Mayor Truex advised Vice-Mayor Caletka to create a document describing his proposal.

COUNCILMEMBER CROWLEY

QUORUM ISSUE. Councilmember Crowley asked all Council members to be mindful of maintaining a quorum during meetings.

COUNCILMEMBER STARKEY

LEAGUE OF CITIES MEETING. Councilmember Starkey advised that the meeting had addressed the Seminole Indian Compact and the 5% dedicated to address local impacts. She wanted these funds to be used for traffic improvements in Davie. Councilmember Starkey asked for information regarding the ingress/egress for her meeting with Governor Crist.

GREEN BUILDING CONCEPTS. Councilmember Starkey advised that she had attended an informal session regarding Green Building concepts. She agreed to provide the PowerPoint presentation from the session when it was sent to her. Councilmember Starkey announced that in February, the Florida League of Cities would hold legislative advocacy training.

COUNCILMEMBER LUIS

PLANNING AND ZONING CLARIFICATION. Councilmember Luis explained that at the previous Planning and Zoning Board meeting, it was claimed that he supported a project in its current state, which was not true.

MAYOR TRUEX

PARK CITY ISSUES. Mayor Truex referred to correspondence from Denny Smith that referred to several Park City issues. He asked staff to look into this.

TREE CITY USA. Council acknowledged that they were aware Davie was a Tree City USA, designated by the National Arbor Day Foundation.

CRS SYSTEM. Mayor Truex asked about the status of the bid process for the CRS system. Staff advised that this matter was moving forward.

SHERIDAN/DYKES RAMP. Mayor Truex announced the Department of transportation had scheduled a meeting regarding an on/off ramp at Sheridan Street and Dykes Road.

12. TOWN ADMINISTRATOR'S COMMENTS

EXTENSION OF CURRENT TOWING CONTRACT. Mr. Cohen explained that an extension was needed to the existing contract until the new contract was signed.

Councilmember Crowley made a motion, seconded by Mayor Truex, to extend A & B Towing's contract to March 5, 2008. In a voice vote, all voted in favor. (Motion carried 5-0)

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13. TOWN ATTORNEY'S COMMENTS

WAL-MART APPEAL. Mr. Rayson reported that the Fourth District Court Of Appeals had ruled in favor of the Town against Wal-Mart. He indicated that now that the State Court action had been resolved, the Federal Court could proceed.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 11:44 p.m.

Approved _____

Mayor/Councilmember

Town Clerk